

Altshuler Berzon LLP
Attn: Chisholm, Barbara J.
177 Post Street
Ste 300
San Francisco, CA 94108

Mishima Foods U.S.A. Inc.

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

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| <p>Sow Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> <p>Mishima Foods U.S.A. Inc. Defendant/Respondent(s) (Abbreviated Title)</p> | <p>No. <u>RG16830857</u></p> <p style="text-align: center;">Order</p> <p style="text-align: center;">Motion for Final Approval of Class Settlement Granted</p> |
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The Motion for Final Approval of Class Settlement was set for hearing on 11/10/2016 at 02:30 PM in Department 19 before the Honorable Julia Spain. The Tentative Ruling was published and has not been contested.

IT IS HEREBY ORDERED THAT:

The tentative ruling is affirmed as follows: The unopposed motion of Plaintiff As You Sow for approval of a Proposition 65 settlement with Defendant Mishima Foods, U.S.A., Inc. is GRANTED.

The court concludes that the parties' Settlement and proposed Consent Judgment satisfies the criteria for such settlements set by Health & Safety Code section 25249.7, insofar as it requires Defendant to provide Proposition 65-compliant warnings on the product at issue (subject to the possibility of its reformulating the product to reduce the tested levels of cadmium and lead, in which case it can modify or remove the warning). It also requires Defendant to pay a \$2,500 civil penalty and an additional \$2,500 payment in lieu of further penalty that Plaintiff will convey to an accountable entity that will use them for purposes related to those of Prop 65.

The court further finds that the provision for Defendant to reimburse Plaintiff for \$15,000 of its attorney's fees and investigation and litigation costs is reasonable.

The court will prepare the order granting the motion and sign Plaintiff's proposed Consent Judgment. By the earlier of 5 days after the date on the Clerk's certificate of mailing or 10 days after the date the order and consent judgment are entered, Plaintiff shall serve and file a Notice of Entry of Order and Judgment.a

Dated: 11/10/2016

 facsimile

Judge Julia Spain